

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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JAMES JOHN RUD, BRIAN KEITH HAUSFELD,  
JOSHUA ADAM GARDNER, DWANE DAVID  
PETERSON, LYNELL DUPREE ALEXANDER, and  
ANDREW GARY MALLAN on behalf of  
themselves and all others similarly situated,

Civil No. 23-486 (JRT/LIB)

Plaintiffs,

vs.

**ORDER DISMISSING PLAINTIFFS'  
MOTION FOR PRELIMINARY  
INJUNCTION**

NANCY JOHNSTON, Executive Director,  
Minnesota Sex Offender Program, and JODI  
HARPSTEAD, Department of Human Services  
Commissioner, *in their individual and official  
capacities,*

Defendants.

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Daniel E Gustafson, **GUSTAFSON GLUEK PLLC**, 120 South 6th Street, Suite  
2600, Minneapolis, MN 55402, for plaintiffs.

Emily Beth Anderson, **OFFICE OF THE MINNESOTA ATTORNEY GENERAL**,  
445 Minnesota Street, Suite 1400, Saint Paul, MN 55101, for defendants.

Plaintiffs filed a Motion for Preliminary Injunction requiring Defendants to transfer Plaintiffs Lynell Dupree Alexander and Joshua Adam Gardner to Community Preparation Services (CPS) as ordered by the Minnesota Commitment Appeal Panel (CAP). [ECF No.102]. Since the filing of that motion, the Parties have advised the Court that the Defendants have transferred Mr. Alexander and Mr. Gardner to CPS. As a result, Plaintiffs' motion for a Preliminary Injunction to transfer Mr. Alexander and Mr. Gardner to CPS is moot.

Accordingly, based upon all the files, records, and proceedings herein, it is hereby

**ORDERED** that Plaintiffs' motion for the transfer of Mr. Alexander and Mr. Gardner to CPS pursuant to their CAP transfer orders is **DISMISSED as MOOT**.

DATED: February 27, 2024  
at Minneapolis, Minnesota.

s/John R. Tunheim  
JOHN R. TUNHEIM  
United States District Judge